

Exhibit 3

ORIGINAL

1

2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

3 -----X
4 THOMAS HARTMANN,

4

5 PLAINTIFF,

5

6 CV-04-1784 (ILG) (CLP)

6

7 -against-

7

8 THE COUNTY OF NASSAU, NASSAU COUNTY POLICE
9 DEPARTMENT, POLICE OFFICER KARL. L SNELDERS,
10 POLICE OFFICER MICHAEL KNATZ, DEPUTY INSPECTOR
11 ROBERT TURK, LIEUTENANT THOMAS ZAMOJCIK, POLICE
12 OFFICER KEVIN W. SMITH, POLICE OFFICER PHILIP
13 BRADY, DETECTIVE BARRY O. FRANKLIN, POLICE
14 OFFICER THOMAS O. MCCAFFREY and "JOHN and JANE
15 DOES 1-15" representing as yet unknown and
16 unidentified police officers,

12

13 DEFENDANTS.

13 -----X

14

DATE: May 18, 2005

15

TIME: 10:20 a.m.

16

17

EXAMINATION BEFORE TRIAL of the

18

Defendant, POLICE OFFICER KARL L. SNELDERS, taken
19 by the Plaintiff, pursuant to an Order, held at
20 the LAW OFFICES OF DANIEL J. HANSEN, ESQ., 233
21 Broadway, New York, New York 10279, before a
22 Notary Public of the State of New York.

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2 APPPEARANCES:

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4 DANIEL J. HANSEN, ESQ.
5 Attorneys for Plaintiff
6 233 Broadway, 5th Floor
7 New York, New York 10279
8 BY: DANIEL J. HANSEN, ESQ.

9

10 LORNA B. GOODMAN, ESQ.
11 NASSAU COUNTY ATTORNEY
12 Attorney for the Defendants
13 One West Street
14 Mineola, New York 11501
15 BY: BETHANY O'NEILL, ESQ.
16 FILE NO.: 04X1628

17

18 ALSO PRESENT:

19

20 F. Daniel DeGronach
21 Carl Sandel

22

23 * * *

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1

2 F E D E R A L S T I P U L A T I O N S

3

4

5 IT IS HEREBY STIPULATED AND AGREED

6 by and between the counsel for the respective

7 parties hereto, that the filing, sealing, and

8 certification of the within deposition shall

9 be and the same are hereby waived;

10

11 IT IS FURTHER STIPULATED AND AGREED

12 that all objections, except as to the form

13 of the question, shall be reserved to the times

14 of the trial.

15

16 IT IS FURTHER STIPULATED AND AGREED

17 that the within deposition may be signed before

18 any Notary Public with the same force and effect

19 as if signed and sworn to before this court.

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1

2 K A R L S N E L D E R S, called as a witness,
3 having been first duly sworn by a Notary Public of
4 the State of New York, was examined and testified
5 as follows:

6 EXAMINATION BY

7 MR. HANSEN:

8 Q. Please state your name for the record.

9 A. Karl Snelders.

10 Q. Where do you reside?

11 A. 1490 Franklin Avenue, Mineola, New York
12 11501.

13 Q. Good morning, Mr. Snelders. My name is
14 Dan Hansen and I represent Thomas Hartmann with
15 respect to an accident that occurred on March 12,
16 2004. I am going to be asking you some questions
17 about yourself, about the incident, things about
18 your background and things about what happened
19 days prior to that accident. If you don't
20 understand any of my questions, please let me know
21 and I will rephrase the question so you will
22 understand it, okay?

23 A. Okay.

24 Q. If at any time during today's deposition
25 you would like to take a break, speak with your

1 SNELDERS

2 attorney, get a glass of water, use the mens room,
3 whatever, let me know and you can do that, okay?

4 A. Yes.

5 Q. Are you currently employed?

6 A. Yes.

7 Q. Who do you work for?

8 A. Nassau County Police Department.

9 Q. How long have you been so employed?

10 A. Eighteen years.

11 Q. What did you do before working for the
12 police department?

13 A. I worked at Shorham, S-H-O-R-H-A-M,
14 Nuclear Power Plant.

15 Q. What did you do at Shorham Nuclear Power
16 Plant?

17 A. Security supervisor.

18 Q. Prior to working for Nassau PD, did you
19 work any police jobs?

20 A. No.

21 Q. What was your date of hire?

22 A. July 18th of 1986.

23 Q. And where were your first assigned?

24 A. Police academy.

25 Q. Did you undergo training at the police

1 SNELDERS

2 academy?

3 A. Yes.

4 Q. What did that training consist of?

5 A. Laws of arrest, use of force, firearms,
6 the whole gamut of police work.

7 Q. The laws of arrest and the use of force,
8 what were you taught with the use of force back in
9 the police academy?

10 A. To the best of my knowledge, it was that
11 I could use levels of force starting with just
12 verbal on up to the last one, which is deadly
13 physical force.

14 Q. Is there some type of continuum, are you
15 familiar with that term?

16 A. No.

17 Q. What are the various levels of force
18 that you are instructed on?

19 A. First is just verbal and then there is
20 physical, then I believe it's use of chemical mace
21 and then there is use of other weapons and then
22 deadly physical force.

23 Q. That is about five levels you just
24 described?

25 A. Yes, to my knowledge that's

1 SNELDERS

2 approximately what I can recall.

3 Q. And what instances were you trained to
4 use verbal force?

5 A. The first level is that you come in
6 contact with people, talking to people.

7 Q. And what instances would you use verbal?

8 A. Just about every time you talk to
9 somebody, you are talking to them.

10 Q. What type of situation calls for the use
11 of verbal?

12 A. Every time I confront somebody.

13 Q. The next phase is physical that you
14 mentioned?

15 A. Right.

16 Q. The next stage or level of force?

17 A. Yes, it would be the next step from
18 verbal, if the person doesn't comply with verbal.

19 Q. What does physical force consist of?

20 A. You actually have to use your hands to
21 place them in custody.

22 Q. What instances, when would you use
23 physical force?

24 A. When people don't comply with verbal.

25 Q. The next step you mentioned was mace or

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SNELDERS

2 chemical?

3 A. Chemical mace.

4 Q. Is it known by any other names?

5 A. Now we use OC which is -- I don't recall
6 the exact name.

7 Q. What is OC?

8 A. It's basically pepper -- hot pepper
9 spray.

10 Q. When did you first start using the OC?

11 A. I don't recall what year, it's probably
12 at least seven or eight years ago.13 Q. Did you have training in the use of the
14 OC?

15 A. Yes.

16 Q. When did you have that training?

17 A. When?

18 Q. Yes.

19 A. I am not sure exactly when.

20 Q. Was it when you first began to start
21 using it?22 A. Yes, before you switch over, you had to
23 be trained with it.

24 Q. Did you take some course?

25 A. It was done down at the range. After we

1 SNELDERS

2 qualified for our regular pistols, we did a course
3 on the OC pepper spray.

4 Q. How long did the course last?

5 A. I don't recall.

6 Q. Was it more than a day?

7 A. No.

8 Q. Was it more than an hour?

9 A. Again, I don't recall exactly how long
10 it was.

11 Q. Was it a full day course, half day
12 course or something else?

13 A. It wasn't a full day, I don't recall how
14 long it was.

15 Q. Were you given a test?

16 A. No.

17 Q. Were you given any written literature or
18 any information concerning the use of the OC?

19 A. I don't recall.

20 Q. Did you keep any literature concerning
21 the use of the OC?

22 A. No.

23 Q. Are you aware of any departmental
24 guidelines, rules, regulations, bulletins,
25 directives or other regulations, concerning the

1 SNELDERS

2 use of the OC?

3 A. Other than once you use it, you have to
4 fill out a card, I don't recall the number of the
5 card that you use.

6 Q. Are there any guidelines concerning the
7 use of the OC?

8 A. I believe there are.

9 Q. Are you familiar with those guidelines?

10 A. Basic guidelines, yes.

11 Q. What are those guidelines called?

12 A. I don't recall.

13 Q. When was the last time you had seen
14 those guidelines?

15 A. I couldn't tell you what year or how
16 long ago.

17 Q. Do you keep a copy of the guidelines?

18 A. No, I don't.

19 Q. Was a copy of the guidelines for the use
20 of OC provided to you?

21 A. Yes.

22 Q. Did you keep a copy of that?

23 A. I probably have them somewhere, I don't
24 know.

25 Q. Do you keep records of the training you

1 SNELDERS

2 were provided?

3 A. I don't personally keep them.

4 Q. You didn't keep any records at all?

5 A. No.

6 Q. Do you keep any personal records at home
7 concerning any training that you received either
8 at the police academy or at any subsequent
9 training, concerning your on the job duties?

10 A. No, I don't.

11 Q. Do you keep any records at your place of
12 work concerning your training or things like the
13 use of the OC?

14 A. Do I?

15 Q. Yes.

16 A. No, I don't.

17 Q. Where are those records kept at your
18 work place, if they are kept at all?

19 A. I don't know.

20 Q. Do you have access to the various
21 records and guidelines concerning the use of the
22 OC?

23 A. Yes.

24 Q. Where do you have access to those
25 records?

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SNELDERS

2 A. I don't know exactly where they are
3 kept, I am not sure if I can.

4 Q. What is your understanding of when you
5 could use the OC or should use the OC?

6 A. Depends on the level of force the person
7 is using against me.

8 Q. What is your understanding of the level
9 of force being used against you, that would permit
10 you to use OC?

11 A. When verbal and physical force aren't
12 enough to have control of a person, then the next
13 level would be to use that, if it's available.

14 Q. What is the next step after that, you
15 mentioned weapons?

16 A. Police baton, slapper.

17 Q. What is a slapper?

18 A. It's approximately a nine inch leather
19 piece that has metal on the end of it.

20 Q. What other weapons?

21 A. That's basically all we use.

22 Q. So there is the baton and the slapper?

23 A. That's correct.

24 Q. And what instances were you trained to
25 use the baton or the slapper?

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SNELDERS

2 A. When the Defendant's level of force is
3 escalated above the use of all the others below
4 it; verbal, physical and chemical mace.

5 Q. What instances would a Defendant have to
6 engage before you would use a baton or a slapper
7 or these other weapons?

8 A. When none of the other things work.

9 Q. Were you required to use verbal force
10 before going on to physical force?

11 A. No.

12 Q. Were you required to use physical force
13 before going on to chemical force?

14 A. No.

15 Q. Were you required to use the OC before
16 moving on to weapons?

17 A. No.

18 Q. Were you required to use weapons before
19 using deadly force?

20 A. No.

21 Q. The use of deadly force, did you have
22 training in that?

23 A. Yes.

24 Q. What was your training of deadly force?

25 A. Through the police academy.

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SNELDERS

2

Q. What was your understanding of when you
are permitted to use deadly force?

4

A. When a person uses or is threatening to
use deadly physical force against you or another
person.

7

Q. Can you give me some examples?

8

A. If a person threatens he has a gun or
has a knife.

10

Q. What if a perspective Defendant has a
gun, but it's not displayed, would that entitle
you to use deadly force?

13

A. If I fear he is going to use deadly
force against me, yes.

15

Q. What would you do in that equation?

16

A. In my mind, what I thought at that time,
the Defendant's actions.

18

Q. What instruments of deadly force did you
have available to you?

20

A. Firearm.

21

Q. Anything else?

22

MS. O'NEILL: At what point in time?

23

MR. HANSEN: Let's talk about 2004?

24

A. The car.

25

Q. Anything else?

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SNELDERS

2 A. Shotgun.

3 Q. Anything else?

4 A. That's it.

5 Q. Do you have anything else?

6 A. No, that's it.

7 Q. Do you have any instruments for deadly
8 force that are available to you?

9 A. Not at that time.

10 Q. What about generally?

11 A. That would be it, that would probably be
12 the only ones, other than if I was attacked.13 Q. Let's talk more about your career, you
14 said you have been working for 18 years and you
15 started in the police academy, what was your first
16 assignment after the police academy?

17 A. I worked in the 1st Precinct.

18 Q. And what geographical area does that
19 cover?20 A. It covers Baldwin, Roosevelt, Uniondale,
21 Merrick, parts of Merrick, North Merrick more,
22 Bellmore, East Meadow.

23 Q. And your title or duties they are?

24 A. Police officer.

25 Q. How long did you remain a police officer

1 SNELDERS

2 in the 1st Precinct?

3 A. I think it was April of 1993.

4 Q. What was your next assignment after
5 that?

6 A. Bureau Special Operations.

7 Q. Is that known at BSO?

8 A. Yes.

9 Q. Was that considered a promotion?

10 A. Yes -- I wouldn't say a promotion, I am
11 still a police officer.

12 Q. How would you describe it then; how
13 would you describe that move to BSO, is that
14 something you applied for?

15 A. Yes.

16 Q. When did you apply for it?

17 A. I believe in January of '93.

18 Q. Did you have to take any tests?

19 A. No.

20 Q. Any recommendations made?

21 A. Yes.

22 Q. Who made recommendations?

23 A. My supervisor that was in charge of me
24 and also the CO of the precinct.

25 Q. The supervisor in charge of you, would

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SNELDERS

2 that be a lieutenant, sergeant or something else?

3 A. I don't recall who it was exactly then,
4 it could be either one.

5 Q. Why did you want to go to BSO?

6 A. I decided it's what I wanted to do to
7 further my career.

8 Q. You were still a police officer;
9 correct?

10 A. Yes.

11 Q. Did you have a pay increase by going to
12 BSO?

13 A. Not initially, no.

14 Q. Did it result in a pay increase at some
15 point in time?

16 A. Under several contracts ago, yes.

17 Q. Why, personally, did you want to go to
18 BSO, if at that point it didn't result in any pay
19 increase or any promotion?

20 A. It's a change in what we do from working
21 in uniform to working in plain clothes and doing
22 anti-crime police work.

23 Q. Did you have any training before going
24 to BSO?

25 A. As far as what?

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SNELDERS

2 A. Not when I first came to work.

3 Q. From the time you first arrived to work,
4 until you received your assignment?

5 A. I don't recall the time.

6 Q. Do you know, approximately, what time?

7 A. No.

8 Q. What time did Officer Sharp arrive at
9 the 7th on March 12th?

10 A. Around 8:30.

11 Q. Did you meet Officer Sharp at the 7th
12 Precinct that day?

13 A. Yes.

14 Q. What assignment were you given on the
15 morning of the 12th?16 A. We were looking for Thomas Hartmann and
17 the car that he was driving. He had supposedly
18 threatened his wife and a cop the night before and
19 I think they were putting out notification, I
20 believe, with information about his car and that
21 he was possibly armed and dangerous.

22 Q. When were those notifications put out?

23 A. I believe they were put out over
24 Frequency 5, which is the 4th and the 7th.

25 Q. Was information given in the morning

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2 when you first were given the assignment?

3 A. The information we were basically given
4 was that he was supposedly a crack user so to look
5 in some of the areas where crack is sold.6 Q. Were you given any hand outs, bulletins
7 or notices concerning Mr. Hartmann on the morning
8 of 12th?

9 A. No.

10 Q. Were you given any documents or
11 paperwork whatsoever, on the morning of the 12th?

12 A. No.

13 Q. At some point in time Mr. Hartmann was
14 arrested; correct?

15 A. Yes.

16 Q. That was the evening of the 12th?

17 A. Yes.

18 Q. About what time?

19 A. I would have to look at the paperwork, I
20 don't remember the exact time, 5:30ish.21 Q. At any point in time, from the time you
22 first were given the assignment concerning
23 Mr. Hartmann, until the time of his arrest that
24 evening on the 12th, were you ever given any type
25 of paperwork, bulletins, documents, photos, any

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SNELDERS

2 type of information on paper, printed or
3 otherwise, concerning Mr. Hartmann?

4 A. I was shown a photo, but I don't think I
5 had -- I don't believe we had a photo with us and
6 I had gotten information from Officer Knatz who
7 had spent a lot more time looking for him down in
8 the Long Beach area.

9 Q. Do you know what photo you were shown?

10 A. I believe it was an old arrest photo.

11 Q. Where were you when you were shown the
12 photo?

13 A. Down by his wife's house in Merrick.

14 Q. Who showed you the photo?

15 A. I believe it was Officer Brady.

16 Q. At what time was this?

17 A. It was after I dropped my partner off
18 and I picked up Officer Knatz, some time before
19 3:00 or around 3:30, I am not sure of the exact
20 time.

21 Q. Who else was present?

22 A. I believe it was just -- I don't even
23 know if it was Officer Brady, I don't recall who
24 Officer Knatz was with right now, whoever he was
25 doubled or tripled up with showed me a picture of

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2 him, I don't recall who he was tripped up with.

3 Q. Was he with Joe Hughes?

4 A. Again, I said I don't recall who he was
5 with.

6 Q. On the morning of the 12th, when you
7 were first given the assignment concerning
8 Mr. Hartmann, what were your instructions or what
9 was your assignment?

10 A. Try and locate him.

11 Q. Anything in particular?

12 A. Place him under arrest.

13 Q. Were you assigned to any particular
14 physical or geographical location?

15 A. We went to Roosevelt, Freeport and
16 Hempstead areas.

17 Q. Let's go back to when the call came over
18 the radio, how was it that you were communicating
19 that particular day on the 12th, were you using
20 the various communication devices that you
21 mentioned before; the pager, the cell phone, the
22 police radio and all that?

23 A. Yes.

24 Q. Now, did you have any particular name or
25 sign or badge number that you were known as over

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SNELDERS

2 the radio, were you Snelders, 921, your badge
3 number?

4 A. 921.

5 Q. You were just 921?

6 A. That's correct.

7 Q. Now, if there are two officers in the
8 car, are they collectively known as 921?

9 A. Yes.

10 Q. Did you have any nicknames at any point
11 in time while on the job?

12 A. Not that I can recall.

13 Q. Have you ever been known as The Hammer?

14 A. People have used that, yes.

15 Q. How long have you been known as The
16 Hammer?

17 A. That was after an incident where they
18 arrested somebody for stabbing his girlfriend and
19 he tried to stab me and instead of doing anything
20 else, I punched him in the face and broke his jaw
21 in two places. When he went to Grand Jury, his
22 claim was that his girlfriend hit him in the face
23 with a hammer and that is where the nickname came
24 from.

25 Q. How many years have you been known as

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2 The Hammer?

3 A. I don't consider it a nickname, but I
4 was still in uniform.5 Q. You have been called The Hammer since
6 you have been in uniform, so at least thirteen
7 years?

8 A. Yes.

9 Q. Are there any other names you are known
10 by, any other names people call you on the job?

11 A. Not that I know of.

12 Q. Anything else?

13 A. No.

14 Q. Have you been assigned in any other
15 cars, other than being assigned to car number 921?

16 A. In BSO?

17 Q. Yes.

18 A. No.

19 Q. You have always been 921?

20 A. As long as I have been there, yes.

21 Q. Is that something Officer Sharp carried
22 with him?23 A. Yes, periodically I have been in other
24 cars, you know, when he is off, I work with other
25 people but...

1 SNELDERS

2 Q. What time did you leave the 7th on
3 March 12, 2004?

4 A. I don't recall the time.

5 Q. Do you know if you left before
6 lunchtime, before noon?

7 A. Yes.

8 Q. Where was the first place you went upon
9 leaving the precinct on March 12, 2004?

10 A. I don't know exactly where we went right
11 away.

12 Q. Did you have your spiral book that day?

13 A. Yes.

14 Q. And you made notes that day, I assume,
15 to keep track of what you were doing?

16 A. No.

17 Q. Did you write down, generally, what you
18 are doing on a particular day?

19 A. No.

20 Q. Where is the book today?

21 A. It's probably in 921.

22 Q. You mentioned before you went to
23 Roosevelt, Freeport and Hempstead, do you know
24 where you went first?

25 A. No.

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SNELDERS

2 Q. You also mentioned Merrick before and
3 you also mentioned Officer Sharp, we have five
4 places; right?

5 A. Yes.

6 Q. Do you know which of these five places
7 you went to first?

8 A. Probably Roosevelt.

9 Q. Is that the closest to the 7th?

10 A. Freeport is the closest one, we know
11 Roosevelt pretty well so...

12 Q. What did you do in Roosevelt?

13 A. Went around to the known crack locations
14 to see if we could see the car.

15 Q. What were you told, specifically, to do
16 that day, were you told to go look for Hartmann?

17 A. No, there was something broadcasted over
18 the radio that he was wanted and I don't remember
19 who told us that he was, somebody told us that he
20 was possibly a crack user. So, usually crack
21 users go to places where they could get crack, so
22 we decided to ride around in those areas to try
23 and spot the car.

24 Q. Who told you he was a crack user?

25 A. Again, I said I don't recall.

1 SNELDERS

2 Q. What other information did you have
3 concerning Mr. Hartmann on the morning of March
4 12th?

5 A. Other than I had his name, the type of
6 car and the plate number of the car and that was
7 basically it and I think we knew the address that
8 his wife lived at and I think there was a caper
9 alarm installed in there.

10 Q. Did you have any other assignments on
11 the day of the 12th?

12 A. No.

13 Q. Did you engage in any general patrols
14 that you mentioned before?

15 A. Just riding in those areas looking for
16 his car, that was it.

17 Q. Did you have any assignments that
18 overlapped with the assignment to find
19 Mr. Hartmann's car?

20 A. Not that I can recall.

21 Q. Do you know what type of offence
22 Mr. Hartmann was wanted for; a misdemeanor,
23 felony, violation or something else?

24 A. I knew it was misdemeanors.

25 Q. This is as of the morning of the 12th

1 SNELDERS

2 you knew it was misdemeanors?

3 A. Yes.

4 Q. Did that knowledge change at any point
5 during the day?

6 A. No, it was misdemeanors, but the threat
7 too.

8 Q. Did you understand what the misdemeanors
9 were?

10 A. Yes, one was he threatened to kill a
11 cop.

12 Q. Do you know the facts surrounding that?

13 A. Not particularly.

14 Q. Did you ever let it be known that if you
15 did find Mr. Hartmann, he would be hurt?

16 A. What?

17 Q. Did you ever let it be known that if you
18 did find Mr. Hartmann, he would be hurt?

19 A. No.

20 Q. Do you know what police officer
21 Mr. Hartmann allegedly threatened, who that was?

22 A. No, I don't.

23 Q. During the course of the day on
24 March 12, 2004, from the time that you were first
25 given this assignment to look for Mr. Hartmann,

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SNELDERS

2 until the time of his arrest, did you acquire or
3 learn any other information concerning
4 Mr. Hartmann?

5 A. When I picked up Officer Knatz, he had
6 spent a lot of the day down in the Long Beach area
7 looking for him and talked to several Long Beach
8 police officers that said they knew Thomas
9 Hartmann.

10 Q. What information did you acquire during
11 the day, whether it be from Officer Knatz or
12 anybody else?

13 A. That he was a violent person.

14 Q. Anything else?

15 A. That he could possibly be armed.

16 Q. Anything else?

17 A. Some of his arresting background, he had
18 been arrested before.

19 Q. What is your understanding of what his
20 background was?

21 A. Assault, arson, burglary, attempted
22 murder.

23 Q. Anything else that you came to learn
24 that day?

25 A. Not that I recall.

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SNELDERS

2 Q. Is all the information that you learned
3 concerning Mr. Hartmann on the 12th, did all of
4 that come from Officer Knatz or were there any
5 other sources of information that you received?

6 MS. O'NEILL: Other than what he already
7 testified about?

8 MR. HANSEN: Correct.

9 A. I got some information from -- that's
10 why we were sent down to a prior location from
11 Sergeant DeMartinis that he might be showing up at
12 that location.

13 Q. When did you first speak with or see
14 Sergeant DeMartinis on the 12th of March?

15 A. I didn't speak with him personally until
16 later on that night.

17 Q. Did you see him that day or speak with
18 him over the radio or any other way?

19 A. No.

20 Q. How did you acquire the information
21 about Brower Avenue?

22 A. I was asked to call my office and that's
23 when they had an assignment for me to pick up
24 Officer Knatz and to go down to that location.

25 Q. What time was that?

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SNELDERS

2 A. Late in the afternoon, I don't recall
3 exactly.

4 Q. When you dropped off Officer Sharp, did
5 you know you were going to be picking up Officer
6 Knatz?

7 A. Yes.

8 Q. So it was before you dropped off Officer
9 Sharp that you got the call that you were going to
10 be picking up Officer Knatz next?

11 A. That's why I dropped Officer Sharp off
12 because I had to go down to Merrick to pick up
13 Officer Knatz and go down to Brower Avenue.

14 Q. Who did you speak with that gave you
15 this information, Sergeant Martinez you said?

16 A. No, somebody in my office, I don't
17 recall.

18 Q. This was in BSO in the 7th or --

19 A. No, in Westbury, one of the officers who
20 was assigned to the radio room.

21 Q. Is that like a desk officer type?

22 A. No, it's a police officer that is just
23 assigned -- he gives out information.

24 Q. Now, what were you told about Brower
25 Avenue?

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2 A. We were told to respond down there, they
3 gave us the address and we responded down there
4 and sat on that location, that he possibly might
5 be heading to that location.

6 Q. And what time was this that you headed
7 down to Brower Avenue?

8 A. After I dropped my partner off, so it
9 was probably around 3:00, 3:30, I am not sure of
10 the exact time.

11 Q. So you dropped off your partner, I am
12 not going to ask you where he lives, but in what
13 general vicinity does he live?

14 A. Not too far from Merrick.

15 Q. You would have been in the Merrick area
16 when you went to pick up Officer Knatz?

17 A. That's correct.

18 Q. And then you went to Brower Avenue?

19 A. Correct.

20 Q. Any particular address or location at
21 Brower Avenue?

22 A. I don't recall the number of the house.

23 Q. Any particular intersection?

24 A. I don't remember the name of the street,
25 but it was the first street over the bridge into

1

SNELDERS

2 the 4th Precinct from the 1st Precinct.

3 Q. Over what bridge?

4 A. It's a bridge that goes over a creek, I
5 don't know the name, it's where Atlantic Avenue
6 turns into Brower Avenue or where they meet.7 Q. During the course of the day on the
8 12th, did you see or speak with any supervisors,
9 sergeants or anybody of any rank, concerning
10 Mr. Hartmann?

11 A. I am not sure, I don't recall.

12 Q. Did you hear any broadcast over the
13 radio or any other communications whether it be
14 telephone or otherwise, concerning Mr. Hartmann on
15 the 12th, other than what we just discussed,
16 anything else whatsoever?

17 A. No.

18 MR. HANSEN: Off the record.

19 (Whereupon, an off-the-record discussion
20 was held.)21 MR. HANSEN: We will take a lunch break
22 now.23 (Whereupon, it is 12:29 p.m. and we are
24 breaking for lunch.)

25 (Whereupon, it is 1:41 p.m. and we are

1 SNELDERS

2 commencing with the deposition.)

3 CONTINUED EXAMINATION BY

4 MR. HANSEN:

5 Q. At some point in time you got to Brower
6 Avenue; is that right?

7 A. Yes.

8 Q. Where was your location immediately
9 prior to going to Brower Avenue?

10 A. At his wife's house picking up Officer
11 Knatz.

12 Q. And Officer Knatz was stationed outside
13 the wife's house?

14 A. Yes.

15 Q. And the wife's house was in Merrick;
16 right?

17 A. Yes.

18 Q. And Brower Avenue, what town was that
19 in?

20 A. Oceanside.

21 Q. And who was in the patrol car 921 at
22 Brower Avenue?

23 A. Myself and Officer Knatz.

24 Q. And that's the blue Lumina?

25 A. Yes.

1 SNELDERS

2 Q. What were you wearing?

3 A. Exactly, I don't know, but normally I
4 wear jeans, a black BSO T-Shirt and then another
5 shirt over it.

6 Q. A long sleeve shirt?

7 A. Probably, it was March, I would think
8 so.

9 Q. And what kind of shoes were you wearing?

10 A. Sneakers.

11 Q. And what was Officer Knatz wearing?

12 A. Similar clothes, but I am not sure of
13 exactly what he was wearing.

14 Q. Do you know the color of Officer Knatz's
15 clothes?

16 A. No.

17 Q. Do you know what he was wearing on top,
18 a T-shirt or jacket or anything?

19 A. I don't recall.

20 Q. Do you know what direction you were
21 facing at Brower Avenue?

22 A. Eastbound.

23 Q. Is Brower Avenue a two-way street?

24 A. Yes.

25 Q. Were you at or near any particular

1

SNELDERS

2 intersection?

3 A. No, I was between blocks so I am not
4 sure.

5 Q. You were mid-block?

6 A. Yes.

7 Q. What time did you get to the Brower
8 Avenue location?

9 A. I don't know the exact time.

10 Q. Tell me, approximately?

11 A. It's hard to approximate, it was shortly
12 after I left my partner and picked him up, so
13 maybe fifteen, twenty minutes after, I wasn't
14 looking at my watch.

15 Q. How long had you been sitting at the
16 Brower Avenue location before you saw
17 Mr. Hartmann?

18 A. Before I saw him?

19 Q. Yes.

20 A. Maybe half an hour, forty-five minutes.

21 Q. What were you doing during that half
22 hour, forty-five minutes?

23 A. Sitting there watching the cars go by.

24 Q. Did you have any discussions with
25 Officer Knatz during that half hour to forty-five

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SNELDERS

2 minutes?

3 A. He just kept explaining what he had done
4 earlier.5 Q. Was it the Long Beach trips that he had
6 taken?

7 A. Yes.

8 Q. What did he tell you?

9 A. He was bringing me up on the background
10 of Mr. Hartmann.11 Q. Tell me what he told you in sum and
12 substance?13 A. I don't remember exactly, but some of
14 the things he did tell me was, in the past he had
15 fired shots in his own house and they were covered
16 up with drywall compound and that they had put an
17 emergency caper in the house the night before
18 because he made threats to his wife that he was
19 going to kill her.20 Q. What else did Officer Knatz tell you
21 during that time period?22 A. That one of the Long Beach police
23 officers patted him on the back, "Oh, good you
24 have your vest on."

25 Q. Anything else?

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SNELDERS

2 A. I don't recall, just conversations about
3 where he had looked and the places they had gone.

4 Q. What did he tell you?

5 A. That they had gone to crack houses in
6 Long Beach looking for him, that's about it, I
7 don't recall everything.

8 Q. Were you wearing a belt on the day of
9 March 12th?

10 A. Yes.

11 Q. Where was the shotgun?

12 A. In the trunk.

13 Q. Did you have your nine millimeter with
14 you?

15 A. Yes.

16 Q. Was it on your person?

17 A. Yes.

18 Q. Was it on your right hip?

19 A. Yes.

20 Q. Was it accessible?

21 A. Depends on when you are talking about.

22 Q. As you were sitting at Brower Avenue,
23 was your nine millimeter accessible?

24 A. From underneath my shirt, yes.

25 Q. It was underneath your shirt?

1 SNELDERS

2 A. Yes.

3 Q. And at any point in time did you remove
4 your shirt?

5 A. No.

6 Q. Any reason why you didn't?

7 A. I didn't feel the need to.

8 Q. What were the weather conditions like as
9 you sat on Brower Avenue?

10 A. Clear.

11 Q. Was it a nice day, sunny day?

12 A. I believe it was.

13 Q. It was daylight as you sat there the
14 entire time?

15 A. Yes.

16 Q. When was the first time that you had any
17 indication that you were in the presence of
18 Mr. Hartmann?

19 A. I saw in my rear-view mirror an SUV that
20 had been described to me that he was driving,
21 black, I don't recall the make and I could see the
22 letters on the plate as it was getting closer and
23 it was the same letters.

24 Q. So he came up from behind?

25 A. Yes.

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2 Q. So he came in the same direction as you
3 were facing on Brower Avenue?

4 A. Yes.

5 Q. What was the distance from the black
6 SUV, to your vehicle when you first saw it?

7 A. It was maybe 300, 400 feet behind me
8 coming at me.

9 Q. At some point in time, the SUV passed
10 you?

11 A. Yes.

12 Q. And where did it go next?

13 A. It made a turn onto the block right next
14 to the house that we were sitting and watching.

15 Q. Did it make a left or right turn?

16 A. Left turn onto the block.

17 Q. Do you know what that block is?

18 A. I don't recall the name of it.

19 Q. What distance separated the front of
20 your RMP 921, from that block that the SUV turned
21 onto?

22 A. It would be an estimate.

23 Q. Your best estimate?

24 A. I would say a little over 500 feet,
25 maybe more.

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2

Q. Now, as a police officer, you are

trained in terms of giving estimates as to speed?

A. That's correct.

Q. And you are trained in terms of giving

estimates in terms of distance; correct?

A. That's correct.

Q. You are trained in terms of giving

estimates as far as observation and what you see;

correct?

A. Yes.

Q. And you have given tickets in cases for

speeding; correct?

A. Yes, I have.

Q. And that's based upon not only any

mechanical means, but also your professional

experience as a police officer and evaluating

speeds of cars; correct?

A. That's correct.

Q. Have you given testimony in court

concerning speeding cases?

A. No.

Q. You have issued Summons's for speeding

violations based upon your expertise in estimating

or determining speed and distances; correct?

1

SNELDERS

2 A. Yes.

3 Q. At what rate of speed was the black SUV
4 traveling at the moment it passed your RMP?5 A. He was doing around the speed limit
6 which was 30.7 Q. Are there any speed signs on that
8 street?9 A. I am sure there are, I don't recall
10 where they are.

11 Q. How do you know it's 30?

12 A. Most of the town of Hempstead is 30
13 miles an hour, it could be 35, I am not sure.14 Q. Now, when the SUV made the left turn
15 onto this other block, how far on this other block
16 did the SUV travel before it came to a stop?

17 A. About two to three car lengths.

18 Q. How many feet would you say that is?

19 A. Twenty-five feet.

20 Q. At some point in time when you saw the
21 black SUV, did you move your vehicle?

22 A. Yes.

23 Q. As you were sitting there when the black
24 SUV approached your vehicle from the rear, was
25 your vehicle running or was the engine turned off?

1 SNELDERS

2 A. It was running.

3 Q. Was the car in park, drive or something
4 else?

5 A. Park.

6 Q. When you first noticed the black SUV
7 approaching from your rear, did you or Officer
8 Knatz say anything either to yourself or to each
9 other?

10 A. I told him the car is coming up from
11 behind us.

12 Q. Is that when you first noticed it or
13 some other point in time?

14 A. When I first noticed it, I realized it
15 was his car.

16 Q. What did Officer Knatz say to you, if
17 anything?

18 A. I don't recall.

19 Q. Did you say anything else to Officer
20 Knatz, from the time you first noticed the SUV,
21 until it passed you?

22 A. After it passed me, I saw the whole
23 plate and I said, "That's definitely the car,
24 that's the right plate."

25 Q. Did Officer Knatz give you any response,

1 SNELDERS

2 did he say anything back to you?

3 A. Not that I recall.

4 Q. Did you make any broadcasts or
5 transmissions over any radios at that point in
6 time?

7 A. No, I didn't.

8 Q. At the time that the black SUV came to a
9 stop the twenty-five feet or so into the next
10 block, was your car still stopped, was it moving
11 or something else?

12 A. As it passed me, I started to pull out
13 -- I put my seat belt on and started to pull out
14 and I was putting the red light up onto the
15 dashboard.

16 Q. How far passed you was the black SUV
17 when you started to pull out?

18 A. Maybe a hundred feet or so, it could
19 have been further.

20 Q. Did you have a siren on at this time?

21 A. No.

22 Q. At some point in time, did you catch up
23 to the black SUV?

24 A. Yes.

25 Q. Was the driver in or out of the car at

1

SNELDERS

2 that point in time?

3 A. As we were turning onto the block, he
4 was getting out of the car.5 Q. At any point in time did he fully get
6 out of SUV?

7 A. Yes.

8 Q. As you were in your turn, had he stepped
9 out of the car?

10 A. Yes.

11 Q. Was he fully out or just starting to get
12 out?13 A. He had one foot out and the second
14 foot --

15 Q. Did he look in your direction?

16 A. Yes, he did.

17 Q. Did you have a siren on at this time?

18 A. No.

19 Q. Did you have your lights on?

20 A. Yes.

21 Q. At that point in time when you saw him
22 stepping out of the car, how many feet separated
23 the front of your patrol car, from the rear of the
24 SUV?

25 A. Twenty-five feet.

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SNELDERS

2 Q. How much time elapsed, from the time
3 that you first put your car in motion and to the
4 time that you were twenty-five feet from the rear
5 of the SUV, approximately?

6 A. It's hard to say, I wasn't really
7 worrying about time, it was a few seconds, you
8 know, maybe five to ten seconds, maybe a little
9 bit more, I am not sure.

10 Q. What was the highest rate of speed that
11 you reached traveling from your stop on Brower
12 Avenue, to the time you reached the point where
13 the SUV was as you traveled on Brower or the other
14 street?

15 A. I never went over the speed limit.

16 Q. You never went over the speed limit?

17 A. I don't believe so.

18 Q. What was your highest rate of speed?

19 A. I don't recall, I didn't look at the
20 speedometer.

21 Q. Can you estimate for me as an expert?

22 A. No.

23 Q. When you saw Mr. Hartmann exiting the
24 SUV, was your car stopped, in motion or something
25 else?

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SNELDERS

2 A. When he was exiting the SUV?

3 Q. As you saw him stepping out at that
4 moment, what was your patrol car doing, moving or
5 stopped?

6 A. Moving towards his car.

7 Q. At what rate of speed?

8 A. Fairly slow.

9 Q. One mile an hour, five miles an hour?

10 A. I am not going to guess.

11 Q. I want you to estimate?

12 A. I am not going to estimate.

13 Q. Did you see Mr. Hartmann at this time?

14 A. Yes.

15 Q. Did you see his full body?

16 A. Yes.

17 Q. You made an observation of him; correct?

18 A. Yes.

19 Q. What did you see?

20 A. A man wearing jeans and a baggy
21 sweatshirt.

22 Q. Was he wearing a belt?

23 A. I couldn't tell, his sweatshirt was over
24 his belt.

25 Q. What was he wearing on his feet?

1

SNELDERS

2 A. I don't recall.

3 Q. What color was his sweatshirt?

4 A. I don't recall that either.

5 Q. Was he wearing anything on his head?

6 A. No.

7 Q. Did the sweatshirt have a hood?

8 A. No.

9 Q. Did it have a zipper or was it a pull
10 over?

11 A. It was a pull over with writing on it.

12 Q. What did the writing say?

13 A. Some construction company or demolition
14 company, one of the two.

15 Q. His jeans were blue or something else?

16 A. Faded blue.

17 Q. At the time you saw him stepping out of
18 the black SUV, at that moment, did he have
19 anything in either of his hands?

20 A. No.

21 Q. At this point in time, did you say
22 anything to Officer Knatz?

23 A. I don't believe so.

24 Q. Did he say anything to you?

25 A. No.

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SNELDERS

2

Q. Did you say anything to Officer Knatz
other than what we just discussed, from the time
you first put your vehicle in motion, until the
point in time when you saw Mr. Hartmann stepping
out of his SUV?

7

A. Not that I can recall.

8

Q. Now, let's talk about the point when the
front of your vehicle is twenty-five feet from the
rear of the black SUV, were you directly behind
it, off to the side or some other location in the
street?

13

A. Off to the side in the roadway, over to
the left side of it, the driver's side of it.

15

Q. Where was the SUV at this point in time
in relation to the curb?

17

A. Up against the curb.

18

Q. At that point in time, as you were
twenty-five feet from the back of the SUV, what
was your intention?

21

A. Pull up to him slowly, get out, tell him
that he was under arrest and place him under
arrest.

24

Q. Why would you get out?

25

A. The only way to put handcuffs on

1

SNELDERS

2 somebody is to get out of the car.

3 Q. At some point in time, did you continue
4 following this slow place as you mentioned before?

5 A. Yes.

6 Q. For how long did you continue forward in
7 terms of time?

8 A. I don't know about time.

9 Q. Approximately?

10 A. I can't approximate.

11 Q. You have no idea?

12 A. I am not going -- I don't know exactly
13 how long it took me to stop the car.

14 Q. I am not asking you exactly,
15 approximately?

16 A. Again, I don't know how long it was.

17 Q. How much distance did you travel until
18 you next brought your car to a stop?

19 A. It was approximately ten feet behind his
20 car.

21 Q. So you traveled another fifteen feet?

22 A. That's correct.

23 Q. At what rate of speed were you traveling
24 during that fifteen feet?

25 A. Slow.

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SNELDERS

2 Q. Do you know what rate of speed?

3 A. No.

4 Q. Do you know how long it took to travel
5 those fifteen feet?

6 A. No.

7 Q. The first fifteen feet, where was
8 Mr. Hartmann, did he remain halfway out of his SUV
9 or did he go into some other position?10 A. He got out of his car and started to
11 walk towards the back of his car towards us.12 Q. At that point in time, did Mr. Hartmann
13 say or gesture anything during that five feet that
14 you traveled?

15 A. Not until I came to a stop.

16 Q. The next five feet that you traveled,
17 did Mr. Hartmann say anything or make any
18 gestures?

19 A. Not until I stopped.

20 Q. So nothing happened in that fifteen feet
21 that you traveled in terms of his gestures or
22 statements?

23 A. No statements, he looked up at us.

24 Q. Do you know if he could see into your
25 car?

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SNELDERS

2 A. I don't know, I believe he could.

3 Q. During that fifteen feet of travel, did
4 you say anything to Officer Knatz?

5 A. No.

6 Q. Did he say anything to you?

7 A. Not that I recall.

8 Q. Did you unbuckle your seat belt?

9 A. No.

10 Q. You were intending to get out of your
11 car to arrest him?12 A. Yes, after I stopped and saw what he was
13 doing.14 Q. So during that period of time when you
15 traveled the fifteen feet, where had Mr. Hartmann
16 gone, he started out of his driver's side door;
17 right?

18 A. Yes.

19 Q. Describe his path as you traveled that
20 fifteen feet, describe where he went?21 A. He got completely out of the car, turned
22 facing my car and started to walk towards it.

23 Q. Walk towards your car?

24 A. Yes.

25 Q. At some point in time did you come to a

1

SNELDERS

2 stop?

3 A. Yes.

4 Q. How far away from your patrol car was
5 Mr. Hartmann when you came to a full stop?6 A. He was, approximately, ten feet, he was
7 close to the rear of his car.8 Q. Was he towards the driver's side rear,
9 the middle rear or passenger side rear?

10 A. Driver's side rear.

11 Q. What, if anything, was he doing or
12 saying at this point in time, the point where you
13 came to a full stop?14 A. When I came to a stop, he took a step
15 back and reached into his waistband, he put his
16 hand under his sweatshirt.

17 Q. Did you see anything in his waistband?

18 A. No.

19 Q. Did you see any bulge in his pants?

20 A. I just saw him reaching into his
21 waistband.22 Q. Did you see an outline or silhouette of
23 any object?

24 A. I couldn't tell from there.

25 Q. From the fifteen feet you couldn't tell?

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SNELDERS

2

A. No.

3

Q. Did you see anything in either of his
hand during that period of time?

5

A. I couldn't see his left hand.

6

Q. Did he lift up his sweatshirt to put his
hands in his pants?

8

A. Slightly, but his hand disappeared under
it.

10

Q. When he lifted up his sweatshirt to put
his hand in his pants, did you see an outline, any
bulge, any objects, any silhouette or any other
indication that Mr. Hartmann had any type of
weapon?

15

A. All I thought was that he was reaching
for a gun.

17

Q. At that point in time, did you unholster
your weapon?

19

A. No, I didn't.

20

Q. Did Officer Knatz unholster his weapon?

21

A. I don't know what he did.

22

Q. Was he in the car with you?

23

A. He had opened the door and took a step
out, like, he was going to get out.

25

Q. At what point in time did Officer Knatz

1

SNELDERS

2 take a step to get out, where was Mr. Hartmann?

3 A. Right when we stopped the car.

4 Q. Is it your testimony that as soon as you
5 stopped the car, Officer Knatz unbuckled to get
6 out?

7 A. I don't know if he was ever buckled.

8 Q. Is it your testimony that Officer Knatz
9 opened his door to get out immediately when you
10 came to a stop?

11 A. It was immediate.

12 Q. How much time passed?

13 A. We are talking -- this whole thing took
14 seconds.15 Q. How much time, from the time you
16 stopped, until the time Officer Knatz opened his
17 door?18 A. Again, I don't know how long it was, the
19 whole incident took seconds.

20 Q. How many seconds?

21 A. I don't know.

22 Q. Was it more than ten seconds?

23 A. I don't know.

24 Q. Was it more than five seconds?

25 A. I don't know.

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SNELDERS

2

Q. Was it more than two seconds?

3

A. Again, you are asking me the same
question over and over, I don't know.

5

Q. At any point in time while you were in
the area of Brower Avenue, did Officer Knatz ever
fully get out of the car?

8

A. No, he did not.

9

Q. At this point in time, did you ever
unholster your weapon?

11

A. No.

12

Q. Did you ever reach for your weapon?

13

A. No.

14

Q. Did you reach for any weapon?

15

A. No, I didn't.

16

Q. Did you reach for the mace, the
flashlight or any other objects you may or may not
have had in the car?

19

A. No, I didn't.

20

Q. Now, which hand did Mr. Hartmann put in
his waistband?

22

A. His right hand.

23

Q. Where was he when he put his right hand
in his waist band?

25

A. Approximately ten feet in front of me.

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SNELDERS

2

Q. Where was he in relation to the SUV?

3

A. Towards the rear, but on the driver's
4 side.

5

Q. Was there anything obstructing your view
6 of Mr. Hartmann at that point in time?

7

A. No.

8

Q. And it was a clear, sunny day?

9

A. Yes.

10

Q. At any point in time did Mr. Hartmann
11 ever get closer to your car?

12

A. At any point?

13

Q. At the Brower Avenue location?

14

A. No.

15

Q. Did he get closer than the ten feet?

16

A. No.

17

Q. What happened after Mr. Hartmann
18 allegedly put his right hand in his waist band,
19 what happened next, if anything?

20

A. It was allegedly, that's what he did.

21

Q. Okay; what happened next?

22

A. He yelled out, "You better shoot me,
23 before I shoot you."

24

Q. Did he say anything else?

25

A. No.

1

SNELDERS

2 Q. How many times did he say that?

3 A. I heard it at least twice.

4 Q. Where was he when he said this to you?

5 A. Same place when he reached into his
6 waist band.

7 Q. Was he moving at all when this was said?

8 A. He was bouncing around a little, but not
9 really moving in a direction.

10 Q. He was just swaying?

11 A. No, he wasn't standing in one spot, he
12 was shuffling his feet.13 Q. As he shuffled his feet and he said
14 this, did you say anything to Officer Knatz?15 A. I think I am sure I told him, "I think
16 he's got a gun."17 Q. And what did Officer Knatz say to you,
18 if anything?

19 A. Nothing.

20 Q. Did you unholster your weapon at that
21 point in time?

22 A. No.

23 Q. Did Officer Knatz unholster his weapon?

24 A. I don't know.

25 Q. Did Officer Knatz have a weapon that

1

SNELDERS

2 evening?

3 A. Yes.

4 Q. What was he carrying?

5 A. A similar gun to mine.

6 Q. Is Officer Knatz left- or right-handed?

7 A. Right-handed.

8 Q. Where was his weapon holstered?

9 A. Similar place to mine.

10 Q. Did he have any other weapons with him,
11 other than his nine millimeter?

12 A. Not that I know of.

13 Q. At the time that Mr. Hartmann was saying
14 things to you with his right hand in his waist
15 band, was your car in drive, park or something
16 else?

17 A. Drive.

18 Q. Where was your right foot?

19 A. On the brake.

20 Q. How long had your right foot been on the
21 brake, while you were at the Brower Avenue
22 location, when Mr. Hartmann was out of his car?

23 A. I don't know how long it was.

24 Q. Did you have any idea; a minute,
25 seconds, two minutes, three seconds?

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SNELDERS

2

A. This whole incident took seconds, it
wasn't that long, so I don't know the exact time.

4

Q. Did you remain fully stopped as
Mr. Hartmann was outside his vehicle the entire
time?

7

A. Yes.

8

Q. At any point in time did Mr. Hartmann
change his position or course?

10

A. Yes.

11

Q. Where did he go after he was behind the
vehicle shuffling his feet as you described?

13

A. It wasn't behind the vehicle it was to
the side of it near the rear of it.

15

Q. From that position that you just
described, where did he go next, if anything?

17

A. He ran back, he turned around and ran
towards the driver's door, opened it up and got
in.

20

Q. Did he make any hand gestures to you?

21

A. No.

22

Q. Did you see him remove his right hand
from his waist band?

24

A. Yes.

25

Q. As he removed his right hand from his

1

SNELDERS

2 waist band, did you see any indication that he had
3 a weapon?

4 A. By then his back was to me.

5 Q. How would you describe how he went from
6 the back or rear passenger side of the SUV, back
7 into his car, did he walk, run or something else?

8 A. Ran.

9 Q. At that point in time, was the SUV's
10 motor running or turned off?

11 A. I don't know.

12 Q. Do you know if he had to restart the
13 car?

14 A. I don't remember.

15 Q. During that period of time when
16 Mr. Hartmann ran from the driver's rear of the
17 SUV, to get back into the car, did you remain
18 fully stopped or did you put your car in motion?

19 A. Can you repeat the question.

20 MR. HANSEN: The Reporter will read it
21 back.

22 (Whereupon, the referred to question was
23 read back by the Reporter.)

24 A. It was stopped.

25 Q. Where was Mr. Hartmann the next time

1

SNELDERS

2 that you had any motion in your car?

3 A. He was in the driver's seat.

4 Q. Was the door closed?

5 A. Yes.

6 Q. At this point in time, did you move your
7 car again?

8 A. Yes.

9 Q. Where did you move your car to?

10 A. I started it, pulled up alongside of him
11 to try to cut him off because I figured he was
12 going to take off in the car.13 Q. How much time did that take to go that
14 distance?

15 A. Again, a short period of time.

16 Q. Do you know how many seconds?

17 A. No.

18 Q. What distance did you travel to go to
19 try to cut him off?20 A. I was behind his car and the length of
21 his car so maybe a little bit less than twenty
22 feet.23 Q. Did the front of your car pass or get in
24 front of the SUV?

25 A. No.

1 SNELDERS

2 Q. At some point in time did you come to a
3 stop next to the SUV?

4 A. For a brief second.

5 Q. Were your windows up or down at this
6 time?

7 A. Both of them were down.

8 Q. How long had they been down, were they
9 down the entire time you were on Brower or some
10 other point?

11 A. I remember it being down the whole time
12 at Brower, mine was down. .

13 Q. What about the passenger side?

14 A. I don't recall.

15 Q. Was it ever down?

16 A. It was down when we pulled up alongside
17 of his car, I know it was down then, but I don't
18 remember when it went down.

19 Q. Did you or Officer Knatz say anything to
20 Mr. Hartmann as he was outside his vehicle?

21 A. Officer Knatz yelled out his first name,
22 "Thomas, you are under arrest."

23 Q. Did he say anything else, Officer Knatz?

24 A. Not that I can recall.

25 Q. As you approached the car, can you

1

SNELDERS

2 describe the rate of speed, from the time you left
3 that full stop fifteen feet or so behind the SUV,
4 until the time you pulled up next to the SUV?

5 A. Very slow.

6 Q. How much time did that take?

7 A. I don't recall.

8 Q. And when you pulled up next to the SUV,
9 could you see into Mr. Hartmann's SUV, any of the
10 windows?

11 A. I could see Mr. Hartmann in the window,
12 yes.

13 Q. From your position, you could see him?

14 A. Yes.

15 Q. And you could see into which window?

16 A. Into the driver's side window.

17 Q. Did you see through your front
18 windshield or passenger side window or something
19 else?

20 A. First the windshield and I was far
21 enough away from his car I could see into it.

22 Q. How far into the side of the SUV was the
23 passenger side of your car, what distance
24 separated the two sides of each car?

25 A. An estimate would be four or five feet,

1 SNELDERS

2 maybe a little more.

3 Q. At some point in time did you bring your
4 car to a stop next to the SUV?

5 A. For a short second.

6 Q. And during that short second, was the
7 SUV also stopped?

8 A. Yes.

9 Q. Was there any conversation between you
10 or Officer Knatz during that period of time, as
11 you rolled forward?

12 A. No.

13 Q. Was there anything said between either
14 you and Officer Knatz and Mr. Hartmann during that
15 period of time?

16 A. His window was up.

17 Q. Mr. Hartmann's window was up?

18 A. Yes.

19 Q. Did Mr. Hartmann's window remain up the
20 entire time while you were on Brower Avenue?

21 A. Yes.

22 Q. Was anything said to him while you were
23 on Brower Avenue after you pulled up next to him?

24 A. No.

25 Q. Did you ever see his face while you were

1 SNELDERS

2 there?

3 A. Yes.

4 Q. Did he make any gestures or say anything
5 to you that you could see that he was mouthing to
6 you?

7 A. No, I saw -- it looked to me that he was
8 reaching under the seat of his car for something.

9 Q. You could see this from your seat?

10 A. I could see him bend down and his
11 shoulder moving up and down.

12 Q. Which shoulder?

13 A. His right one.

14 Q. Where were you positioned, at this point
15 in time, when you saw Mr. Hartmann's right
16 shoulder moving?

17 A. Side by side.

18 Q. And were you in the driver's side seat?

19 A. Yes.

20 Q. And there was four to five feet
21 separating the passenger side of your vehicle from
22 the driver's side of Mr. Hartmann's vehicle?

23 A. That's correct.

24 Q. And which window did you see this
25 through?

1

SNELDERS

2

A. The passenger's window.

3

Q. How were you positioned in your vehicle
when you saw this?

5

A. I was leaning up to see what he was
6 doing.

7

Q. Were you leaning up looking through the
8 windshield or the side window?

9

A. I said, I was looking through the side
10 window.

11

Q. Where was Officer Knatz at this time?

12

A. Sitting next to me.

13

Q. Were you wearing your seat belt at this
14 time?

15

A. Yes.

16

Q. Were you able to shift over in your seat
17 to look over or no?

18

A. I said, I leaned forward and I looked up
19 to the right and could see what he was doing.

20

Q. How much time was this going on for,
21 that you looked up and saw what he was doing?

22

A. Seconds because I figured if he didn't
23 have a gun in his waist maybe he left it in the
24 car, so I decided to back away from him.

25

Q. Did you identify yourself as a police

1

SNELDERS

2 officer at this time, when you were at Brower?

3 A. I think Officer Knatz, when he stood up
4 or started to get out of the car said, "Police,
5 Thomas you are under arrest" and we had the red
6 lights flashing.7 Q. Did either you or Officer Knatz display
8 a shield at any point in time at Brower?

9 A. I didn't have mine out yet, no.

10 Q. Did Officer Knatz have his out?

11 A. I don't recall.

12 Q. Is that something typically you have
13 out, the shield?

14 A. No.

15 Q. Did you see Officer Knatz take his
16 shield out as you went from the stopped position
17 on Brower, until the time of the encounter with
18 Mr. Hartmann?

19 A. I don't recall if he did.

20 Q. Where does Officer Knatz wear his
21 shield?

22 A. Similar to mine.

23 Q. Around his neck?

24 A. Yes.

25 Q. Let's go back to the point in time when

1 SNELDERS

2 you were backing up, was the SUV's engine running
3 at this time or was it not running?

4 A. I don't recall.

5 Q. How far did you back up in relation to
6 the SUV?

7 A. A safe distance away, probably where the
8 front of my car was right near the rear of his.

9 Q. As you were stopped towards the rear of
10 the SUV, could you see Mr. Hartmann?

11 A. No.

12 Q. When you backed up towards the rear of
13 the SUV, did you come to a stop?

14 A. Yes.

15 Q. How long did you remain stopped?

16 A. Seconds.

17 Q. How many seconds?

18 A. I don't recall.

19 Q. Was there any movement in the SUV during
20 the seconds that you were stopped behind the SUV?

21 A. Just about when I stopped, he took off
22 going northbound.

23 Q. As you were backing up and during the
24 seconds that you were stopped, did you ever
25 unholster your weapon?

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SNELDERS

2 A. No, I didn't.

3 Q. Did Officer Knatz unholster his weapon?

4 A. I don't recall, I didn't see him.

5 Q. During the entire time, from the time
6 you first saw the SUV approaching your rear-view
7 mirror while on Brower, until the time that
8 Mr. Hartmann started the SUV after you backed up,
9 did you make any radio transmissions?

10 A. I didn't, I believe Officer Knatz did.

11 Q. What was his transmission?

12 A. That he was with the subject vehicle at
13 the Brower Avenue location -- I don't know exactly
14 what he said I know he put it over that we had the
15 car.

16 Q. Did he say anything else?

17 A. I don't recall what he said.

18 Q. Did you request assistance?

19 A. I didn't think we did at that time, I am
20 not sure.21 Q. At that point in time, did you feel any
22 threats on your life?

23 A. Yes.

24 Q. If you felt a threat on your life, is
25 there a reason you didn't request any assistance?

1

SNELDERS

2

A. It took seconds.

3

Q. As you were sitting at that location and
4 during the seconds that you were traveling, did
5 anybody ever request assistance over the radio?

6

A. We didn't have time to yet.

7

Q. During the time that you pulled up next
8 to the vehicle and during the time that you backed
9 up from the SUV, did anybody ever call for
10 assistance?

11

A. No.

12

Q. When Officer Knatz made the transmission
13 that you had the vehicle, was there anything
14 preventing him from also saying the words, "Please
15 give us assistance"?

16

A. I don't know if he didn't.

17

Q. If an officer feels his or her life is
18 threatened, is there a practice or procedure
19 within the department, in your 18 years on the
20 job, as far as requesting assistance for backup?

21

A. You have to repeat the question.

22

Q. If you feel your life was threatened as
23 a police officer and you are in a situation with a
24 suspect, is it your practice and procedure to
25 request assistance?

1

SNELDERS

2 A. When you have time to.

3 Q. So it's your position you didn't have
4 the time or Officer Knatz didn't have time to get
5 on the radio?

6 A. That's correct.

7 Q. Officer Knatz had the time to get on the
8 radio to say he had the vehicle?

9 A. That's as we were approaching his car,
10 yes.

11 Q. Was there anything preventing him to
12 say, "Send help"?

13 A. There was no threat yet.

14 Q. What about when you left the area, did
15 anybody request assistance during that time?

16 A. Left what area, when?

17 Q. After Mr. Hartmann left the Brower
18 Avenue location from the stop, did you request
19 assistance at this time?

20 A. After he had already threatened us once,
21 yes.

22 Q. After you left Brower Avenue, where did
23 you go next?

24 A. We continued northbound on that block
25 and that block curves to the left westbound and --

1 SNELDERS

2 it's hard without a map, it curves westbound and I
3 believe we eventually came out on to Foxhurst
4 (phonetic) where he made a right onto Foxhurst
5 going sort of northbound.

6 Q. What rate of speed were you traveling
7 down those roads?

8 A. Faster than the speed limit.

9 Q. Do you know how fast you were going or
10 you have no idea?

11 A. I would say in excess of forty,
12 forty-five miles an hour at that time.

13 Q. Where did you go next?

14 A. Northbound on Foxhurst and we headed up
15 over 55.

16 Q. On Foxhurst?

17 A. Yes, it is a long road passed the
18 school. Then he went through a red light almost
19 getting hit by three different cars. They had to
20 lock their brakes up from hitting him. I
21 continued and I had to slowdown and I got through
22 that intersection and he had made, I think it's
23 the first right which is Allen and I lost sight of
24 the car for a second.

25 Q. Does the department have any rules on

1 SNELDERS

2 pursuit?

3 A. Yes.

4 Q. What is your understanding of the rules
5 of pursuit that the department has promulgated?

6 A. My understanding of it is to pursue a
7 vehicle, notify radio that you are pursuing it in
8 an unmarked car and as soon as a marked car is
9 available, they will take over the pursuit and you
10 will just be the secondary unit, but at any time
11 it can be called off by a supervisor.

12 Q. During the time that you were pursing
13 the SUV, were there any radio transmissions?

14 A. Several.

15 Q. Who was operating the radio?

16 A. Officer Knatz.

17 Q. Was he operating the radio in the car or
18 one of the hand holds?

19 A. I believe he was using a hand held radio
20 and it was on Frequency 5, which is the 1st and
21 7th Precinct.

22 Q. Why wasn't he using the detective
23 frequency?

24 A. I think that's the radio he had in his
25 hand when the whole thing started so...

1

SNELDERS

2 Q. Did you make any radio transmissions,
3 yourself, during that pursuit?

4 A. No.

5 Q. What transmissions did Officer Knatz
6 make?

7 A. He kept putting over our location as we
8 changed streets.

9 Q. Was anything, other than your location,
10 transmitted by Officer Knatz?

11 A. I don't know.

12 Q. Were you in the car with him?

13 A. Yes.

14 Q. Did you hear him make any other
15 transmissions, other than your location?

16 A. I just said, I don't recall what he
17 said.

18 Q. At any point in time while you were in
19 pursuit, did you ever request backup?

20 A. That's why Officer Knatz was over the
21 radio telling our location that we were chasing
22 him.

23 Q. Did he ever mention that you thought
24 your lives were in danger?

25 A. I don't recall what he said.

1

SNELDERS

2 Q. Would there be a practice and procedure
3 as far as advising either central command or BSO
4 that you thought your lives were in danger?

5 A. No, not then, I wouldn't. I never heard
6 that put over.

7 Q. Was there any communication broadcasted
8 by either you or Officer Knatz that you believed
9 Mr. Hartmann had a weapon or a gun?

10 A. I didn't broadcast anything.

11 Q. As you were sitting in the car with
12 Officer Knatz, did you hear any transmission or
13 broadcast that you believe Mr. Hartmann had a gun
14 or weapon?

15 A. As I said, I don't recall what he said.

16 Q. What was the closest that your car came
17 to the rear of the SUV during the pursuit?

18 A. It would be more than a hundred feet, I
19 never got real close to him.

20 Q. Is it that you couldn't catch him or
21 some other reason?

22 A. I was just trying to stay with him, I
23 didn't want to catch him.

24 Q. Why not?

25 A. Not until I had help.

1

SNELDERS

2

Q. At some point in time, did you see
Mr. Hartmann's vehicle come to a stop?

4

A. No, I didn't see it come to a stop.

5

Q. At some point in time, did you see it
stop?

7

A. Yes.

8

Q. And did you see Mr. Hartmann in the
vehicle or someplace else?

10

A. Out of the vehicle.

11

Q. Where was he in relation to the vehicle?

12

A. Outside the driver's door.

13

Q. And where was your vehicle when you
first saw Mr. Hartmann after the pursuit?

15

A. Just as I turned onto, I believe it was
Allen.

17

Q. What was the other road that you turned
from Allen?

19

A. Foxhurst.

20

Q. How many feet into Allen was
Mr. Hartmann when you saw him as you turned the
corner?

23

A. I don't recall exactly how many feet.

24

Q. How many car lengths?

25

A. Several.

1

SNELDERS

2

Q. Could you give me an estimate of how
many several is?

4

A. I don't know exactly how many, there is
a whole diagram with the amount of feet, I don't
recall.

7

Q. Was there any conversation between you
and Mr. Hartmann or Officer Knatz and Mr. Hartmann
when you first saw him out of his vehicle?

10

A. When I first saw him out of the vehicle,
I was still moving.

12

Q. You were still moving?

13

A. When I saw him out of the vehicle, I was
still moving.

15

Q. Over by Allen?

16

A. Yes.

17

Q. At what rate of speed were you moving
when you first saw him?

19

A. I was turning the corner, I saw the car
and then I was slowing down to a stop.

21

Q. Did you come to a stop at some point in
time or some location on Allen?

23

A. Yes.

24

Q. Where, on Allen, did you come to a stop
in relation to the SUV?

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SNELDERS

2 A. To the left of it, I don't know the
3 exact footage. Again, that's all on the diagram,
4 but I was to the left and behind it.

5 Q. Do you know what compass direction you
6 were facing?

7 A. Eastbound.

8 Q. And where was the SUV in relation to the
9 curb when it was stopped on Allen?

10 A. It was away from the curb and slightly
11 with the front closer to the curb and the rear.

12 Q. Can you describe the area where you saw
13 the SUV stopped on Allen, is that a residential
14 area, commercial area or something else?

15 A. All residential.

16 Q. Is there a sidewalk and curb?

17 A. Yes, there is a curb and a small patch
18 of grass and then a sidewalk.

19 Q. There are residential homes there?

20 A. Yes.

21 Q. With driveways leading to Allen?

22 A. Yes.

23 Q. When you saw Mr. Hartmann out of his
24 vehicle, where was he in relation to his vehicle;
25 was he just stepping out, was he towards the

1 SNELDERS

2 front, the rear or some place else?

3 A. Outside the door with the door closed.

4 Q. How far was he from the SUV?

5 A. A couple of feet.

6 Q. Which direction was he facing?

7 A. He was looking at us, he was facing
8 westbound.

9 Q. At some point in time, did you stop your
10 vehicle?

11 A. Yes.

12 Q. And when you came to a stop, what, if
13 anything, happened next in terms of your action?

14 A. Mine, I stopped the car, Officer Knatz
15 opened the door and started to get out or got out
16 and I don't remember what he said, something along
17 the lines of, you know, "It's going to be a foot
18 pursuit now."

19 Q. What happened?

20 A. Mr. Hartmann, rather than running away,
21 ran towards my car -- the front of my car and came
22 up to the driver's side window.

23 Q. And where was your partner?

24 A. He was out of the car, I didn't know
25 where he was at.

1 SNELDERS

2 Q. And where were you?

3 A. I was still seated in the car seat
4 belted in.

5 Q. How much time elapsed, from the time you
6 came to a full stop, until the time Mr. Hartmann
7 came up to your driver's side window?

8 A. Seconds.

9 Q. Was your window still open?

10 A. Yes.

11 Q. Can you describe the manner in which he
12 approached the car, did he walk, run?

13 A. He was running.

14 Q. And is there a reason that you didn't
15 get out of the car?

16 A. I didn't have time to.

17 Q. Officer Knatz had time?

18 A. Yes.

19 Q. And he was fully out of the car?

20 A. Yes.

21 Q. As Mr. Hartmann approached your car and
22 got to your driver's side window, was Officer
23 Knatz's door opened or closed; in other words, was
24 the passenger door opened or closed?

25 A. It was closed.

1

SNELDERS

2 Q. So Officer Knatz had time to open the
3 door, get out, close the door and go to the back
4 of the car?

5 A. I didn't say he went to the back of the
6 car, I don't know where he was, I know he got out
7 of the car, he thought he was going to have to
8 chase him, but instead, he came towards us.

9 Q. Did Officer Knatz say anything to
10 Mr. Hartmann at the scene on Allen Avenue?

11 A. I didn't hear anything.

12 Q. Did you say anything to either Officer
13 Knatz or to Mr. Hartmann during the entire time
14 that you were at Allen Avenue?

15 A. No, I didn't say anything to him.

16 Q. Did he say anything to you?

17 A. He was yelling and cursing something
18 along the lines, "What is the matter, what are
19 you, a pussy," and that's as he came up to my
20 window. I started to lean towards the passenger
21 seat, put my hands up because when he came to the
22 window he had his hand in his waistband again and
23 I thought he was going to pull a gun out and
24 shoot.

25 I put my hands up, ducked down towards

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SNELDERS

2 the passenger seat reaching over to the side panel
3 where I kept mace and I was reaching for it.

4 Q. The passenger side?

5 A. Yes.

6 Q. Where was the mace kept in the passenger
7 side of the police car?

8 A. In the pocket, in the door.

9 Q. Was anything else said, other than what
10 you just told me?

11 A. He said to me he was going to -- again,
12 he said the same words, "You better shoot me
13 before I shoot you."

14 Q. Which hand was in his waistband?

15 A. His right hand.

16 Q. When did he put his hand in his waist
17 band?

18 A. As he was approaching my window.

19 Q. How far was he from you, when he put his
20 right hand in his waistband?

21 A. A couple of feet.

22 Q. Two or three feet?

23 A. Yes.

24 Q. Did you see him put his hand in his
25 waistband?

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SNELDERS

2 A. Yes.

3 Q. Did he lift his shirt to put his hand in
4 his waistband?

5 A. He put his hand under his shirt, not
6 really lifting it.

7 Q. Did you see any indication of any weapon
8 or anything like that?

9 A. I couldn't, no.

10 Q. Did you see any bulge, silhouette or
11 anything in Mr. Hartmann's hand, at any point in
12 time?

13 A. No, because his sweatshirt covered -- it
14 was so far down, I couldn't see anything, it was
15 down almost to his crotch area.

16 Q. You didn't see anything, at all, no sign
17 of a weapon?

18 A. No.

19 Q. At any point in time during this period
20 where Mr. Hartmann was next to your driver's side
21 window, did you hear Officer Knatz say anything?

22 A. No.

23 Q. Did you know where he was?

24 A. No.

25 Q. Where was Officer Knatz the next time

1

SNELDERS

2 you saw him or had an awareness of where he was?

3 A. Where I thought he was?

4 Q. Any type of awareness, either heard him
5 or saw him?

6 A. As I was reaching for the mace and I had
7 my hand up and ducking, I was watching
8 Mr. Hartmann, I saw him look towards the rear of
9 the car and run back towards his car, I figured he
10 must have seen Officer Knatz come around from the
11 back of the car, that was my thought.

12 Q. You were ducking down in your car?

13 A. Yes.

14 Q. Across the front seat; right?

15 A. Yes.

16 Q. And you were reaching towards the
17 passenger side door pocket?

18 A. Yes.

19 Q. And you looked up and saw Mr. Hartmann
20 looking towards the back of the car?

21 A. Yes.

22 Q. How close was he to the car when you saw
23 him doing this?

24 A. He was almost in the window.

25 Q. Was he standing up, bent down or

1

SNELDERS

2 something else?

3 A. He wasn't completely standing, he was
4 semi crouched.

5 Q. Did you hear Mr. Hartmann say anything
6 to Officer Knatz?

7 A. No.

8 Q. At this point in time, was your car in
9 park, driving or something else?

10 A. Parked.

11 Q. Do you know why Officer Knatz got out of
12 the car?

13 A. He thought he was going to have to chase
14 him.

15 Q. How long did Mr. Hartmann remain at your
16 driver's side window?

17 A. Seconds.

18 Q. How many seconds?

19 A. I don't recall.

20 Q. At some point in time, did he leave your
21 driver's side window?

22 A. Yes.

23 Q. What, if anything, did he do?

24 A. He got backup and he started, not
25 running, but walking real fast towards his car and

1

SNELDERS

2 I put the car back in drive and I started creeping
3 slowly forward.

4 Q. What rate of speed were you going?

5 A. Slow, not even a mile, like, real slow.

6 Q. Not even a mile an hour?

7 A. Real slow.

8 Q. Would that be true, not even a mile an
9 hour?

10 A. Yes.

11 Q. And at that point in time when you first
12 started creeping your car along not even one mile
13 per hour, what distance separated the front of
14 your car from the rear of the SUV?

15 A. I don't recall how far.

16 Q. Do you know, approximately, how many car
17 lengths?

18 A. No.

19 Q. Where was Mr. Hartmann when you first
20 put your car back in drive, when you started
21 creeping along?

22 A. He was almost by the driver's side of
23 his car.

24 Q. Where was his right hand?

25 A. I don't remember seeing it.

1

SNELDERS

2 Q. Do you know where his left hand was?

3 A. No.

4 Q. Do you know where Officer Knatz was at
5 that point when you put your car in drive?

6 A. No.

7 Q. Did you see Mr. Hartmann get back into
8 his car?

9 A. No, I didn't.

10 Q. Where was he in relation to his SUV as
11 you were creeping along in your car?

12 A. I said he started going towards the
13 driver's side of his car, but he went around the
14 front of it instead.

15 Q. Did he stop, at all, by his SUV, from
16 the time he left your window or did he continue
17 away from your patrol car?

18 A. He stopped when he got to the front of
19 his SUV.

20 Q. As he was going towards the SUV, what
21 direction was he facing?

22 A. He was going sort of Southeast.

23 Q. So his body was facing --

24 A. Away.

25 Q. Towards the SUV?

1

SNELDERS

2 A. Yes.

3 Q. And towards the direction of traffic you
4 were going?

5 A. Sort of, but he was going off to the
6 right, he was kind of still going straight.

7 Q. When you say off to the right, off
8 towards the front of the SUV and towards the curb
9 that the SUV was somewhat adjacent to?

10 A. Yes, but off a ways.

11 Q. You said the front of the SUV was
12 pointed towards the curb, now you are telling me
13 he wasn't?

14 A. It was pointed just a little bit -- the
15 front was closer to the curb than the rear, it was
16 a foot or two on a slight angle, it was out in the
17 roadway several feet. I am not sure of the exact
18 distance.

19 Q. How far was the front of the SUV from
20 the curb, the nearest point of the SUV to the
21 curb?

22 A. I don't know the exact distance, it's on
23 that diagram.

24 Q. When Mr. Hartmann went back towards the
25 SUV, did he continue away from you?

1

SNELDERS

2 A. Until he got to the front of the SUV,
3 then he stopped.

4 Q. What happened next?

5 A. He turned around semi facing me now and
6 he reached down into his waistband again, but this
7 time it looked like he stuck his hand further down
8 into his pants, I lost more sight of his arm.

9 Q. Did you see his pants?

10 A. No, I couldn't see his pants.

11 Q. When he walked away, did he remove his
12 right hand from his waistband?

13 A. I didn't see him do that, when he turned
14 around his hands were out, when I started
15 approaching him, he stuck it back down.

16 Q. When his hands were out, were they
17 empty?

18 A. Yes.

19 Q. When he stopped in front of the SUV, did
20 he say anything as he put his hand back in his
21 waistband?

22 A. No.

23 Q. Where was he positioned in relation to
24 the SUV?

25 A. He was probably in the middle of the SUV

1

SNELDERS

2 -- maybe -- I am not sure of the exact distance,
3 he was five to ten feet in front of the SUV.

4 Q. And where was your car at this point in
5 time, at this particular moment, when he first put
6 his hand back into his waistband when he was in
7 front of the SUV?

8 A. I had just started turning towards the
9 SUV.

10 Q. Had the front of your patrol car reached
11 the front of the SUV at that point in time?

12 A. Not yet.

13 Q. In relation to the SUV, where was the
14 front of your car as he put his hand in his
15 waistband while he stood in front of the SUV, had
16 you reached the rear door, the rear quarter panel,
17 the front door, the front quarter panel or
18 something else at that particular moment?

19 A. I wasn't going straight, I was going
20 slightly on an angle towards the car, I wasn't
21 really looking where the SUV was, I was just
22 watching him.

23 Q. Where were you in relation to him as he
24 put his hand in his waistband, what distance?

25 A. Again, I am not sure of the exact

1

SNELDERS

2 distance.

3 Q. Can you approximate for me?

4 A. It was under ten feet.

5 Q. You were under ten feet from where

6 Mr. Hartmann was located in front of his SUV?

7 A. Yes.

8 Q. Did you continue going forward as he
9 reached into his waistband while he was in front
10 of the SUV?

11 A. Yes.

12 Q. Did you continue at the same speed, the
13 one mile per hour or under?

14 A. Yes.

15 Q. From the time that you first put your
16 car into gear, until the time that you saw
17 Mr. Hartmann reach into his waistband, how much
18 time had elapsed?

19 A. I don't recall the exact amount of time.

20 Q. Now, as you saw Mr. Hartmann reach into
21 his waistband, what, if anything, did you do next?

22 A. I continued towards him and he started
23 to back up a little bit and he started to pull his
24 hand out of his pants and as he started to pull
25 his hand out of the pants, I gunned the engine and

1

SNELDERS

2 I cut the wheel to the right so I hit him with the
3 front right quarter panel of the car, right about
4 at the curbline.

5 Q. Was he right at the curb when you hit
6 him?

7 A. Close to it, I am not sure exactly, he
8 was fairly close to the curb.

9 Q. In which direction was he facing when
10 you hit him?

11 A. He was facing North.

12 Q. What part of your car hit Mr. Hartmann?

13 A. Front right quarter panel.

14 Q. Where in relation to the right front
15 wheel?

16 A. It was close to the right.

17 Q. Was it in front of the wheel, behind the
18 wheel, at the wheel well?

19 A. It wasn't behind the wheel, it was
20 either the middle to the front, somewhere around
21 there.

22 Q. From the time that Mr. Hartmann left the
23 driver's side window of your RMP, until the time
24 that he was struck by your RMP, did he remain
25 standing erect that entire time or upright?

1

SNELDERS

2 A. Not really.

3 Q. What changed?

4 A. When he was at the front of his car, he
5 was semi crouched, bent over a little bit and
6 reaching for something in his waistband.

7 Q. Was he moving in a direction at this
8 point?

9 A. Stepping back, but slowly back peddling
10 a bit.

11 Q. Where was Officer Knatz at this time?

12 A. I don't know.

13 Q. When was the next time that you saw
14 Officer Knatz?

15 A. After I hit Mr. Hartmann, he went over
16 the curb to the front lawn, I got out and I saw
17 Officer Knatz standing over Mr. Hartmann holding
18 him at gunpoint.

19 Q. At any point in time while you were at
20 the scene as you were creeping your car forward at
21 the one mile an hour or so, did you unholster your
22 weapon?

23 A. No, I didn't.

24 Q. Did you get out of car?

25 A. No, I didn't.

1

SNELDERS

2 Q. Is there any reason you did not
3 unholster your weapon?

4 A. I didn't have time to.

5 Q. How much time would it take you as a BSO
6 officer trained in tactical maneuvers, how much
7 time would it take you to unholster your weapon as
8 you were sitting in the car?

9 A. I don't know.

10 Q. How much time does it take you to
11 unholster a weapon?

12 A. Each situation is different.

13 Q. As you are sitting in the car, how much
14 time does it take you to unholster your weapon?

15 A. I just answered that, I don't know how
16 long it would take me.

17 Q. Does it take a minute?

18 MS. O'NEILL: On the day of the accident
19 or any instance?

20 MR. HANSEN: Any time.

21 MS. O'NEILL: I think he already
22 testified every instance is different.

23 Q. How is it different, what is the
24 variable?

25 A. I was seat belted in, I had a shirt over

1

SNELDERS

2 my holster, my gun, I would have to remove the
3 seat belt, remove the shirt or get under the
4 shirt.

5 Q. How long would that all take to get the
6 weapon out?

7 A. I don't know.

8 Q. Was it your intention to hit
9 Mr. Hartmann with the car?

10 A. Yes, it was.

11 Q. Was it your intention to run him over?

12 A. No.

13 Q. Did you run him over?

14 A. Yes, I believe I did.

15 Q. Which wheel of the car ran Mr. Hartmann
16 over?

17 A. I don't know, I went up and over the
18 curb and I ended up on the front lawn.

19 Q. Was it your expressed purpose to strike
20 him with the car?

21 A. It was my purpose to stop him from
22 pulling out what I thought was a handgun.

23 Q. Did you hit him intentionally?

24 A. Yes.

25 Q. What part of Mr. Hartmann's body was hit

1

SNELDERS

2 by your car?

3 A. I believe probably around mid legs.

4 Q. Did you hit the front of his legs, the
5 side of his legs or the back of his legs?

6 A. Front.

7 Q. Did Mr. Hartmann go down immediately
8 when you struck him?

9 A. Yes, he went backwards landing on his
10 back. The last time I saw him, he was going face
11 towards me down onto his back.

12 Q. And how did he come to a rest on his
13 front or back?

14 A. I don't know, I didn't see him. Once he
15 went down passed the quarter panel, I didn't see
16 him.

17 Q. How much time elapsed from the time you
18 gunned the engine, until the time you hit
19 Mr. Hartmann?

20 A. I don't know.

21 Q. How much distance did you travel, from
22 the time you gunned the engine, until the time you
23 hit Mr. Hartmann?

24 A. I don't know the exact distance.

25 Q. Do you know the approximate distance?

1

SNELDERS

2 A. No.

3 Q. The time that you gunned the engine,
4 where was your car in relation to the SUV?

5 A. Almost perpendicular to it.

6 Q. Was the front of your car passed the
7 front of the SUV?

8 A. Yes.

9 Q. And approximately, what distance
10 separated the nearest part of your car, to the
11 nearest part of the SUV, was it a car length?

12 A. I don't recall the exact distance.

13 Q. The approximate distance is fine?

14 A. It's all on the diagram that we did with
15 crime scene.

16 Q. Officer Snelders, you are trained as an
17 observer; right?

18 A. Yes.

19 Q. You are trained for time and
20 observation?

21 A. That's correct.

22 Q. What distance separated your car, when
23 you gunned the engine, to the nearest point of the
24 SUV?

25 A. I am not sure of the distance, when it

1

SNELDERS

2 was all over we tried to put it back together as
3 best we could.

4 Q. Tell me the approximate distance?

5 A. I can't, I don't know what it was.

6 Q. Approximately, what distance did your
7 car travel after you struck Mr. Hartmann?

8 A. Again, I don't know how far it went.

9 Q. How much time elapsed, from the time you
10 struck Mr. Hartmann, until you came to a stop?

11 A. It's all a matter of seconds, I don't
12 know.

13 Q. Approximately, how many seconds?

14 A. I am not going to get into that again.

15 Q. At what rate of speed were you traveling
16 when you struck Mr. Hartmann?

17 A. Between five and eight miles an hour,
18 somewhere around there, you know, from going to
19 almost a dead stop and gunning the motor and going
20 a short distance.

21 Q. When you gunned the engine, was
22 Mr. Hartmann saying anything?

23 A. No.

24 Q. Was there anything preventing you from
25 backing up?

1

SNELDERS

2

A. No.

3

Q. Was there anything preventing you from
4 getting out of the car?

5

6

A. The seat belt, the fact that the car was
in drive.

7

8

9

Q. Was there anything preventing you from
putting the car in park, unbuckling yourself and
getting out of the car like Officer Knatz did?

10

A. The threat in front of me.

11

Q. Did Officer Knatz have any threat?

12

A. No.

13

Q. Officer Knatz was with you; right?

14

A. I don't know where he was then.

15

16

Q. When you first approached Allen, Officer
Knatz was with you; correct?

17

A. Yes.

18

19

20

21

Q. And if Mr. Hartmann is coming from the
right side by his SUV, Officer Knatz is actually
closer to Mr. Hartmann, isn't that right, as you
first stopped on Allen?

22

23

24

25

MS. O'NEILL: He already testified he

doesn't know where Officer Knatz was.

Q. I am talking about, when you first

stopped on Allen behind the SUV and you see

1

SNELDERS

2 Mr. Hartmann, Officer Knatz is actually closer to
3 Mr. Hartmann than you are, isn't that right?

4 A. At that time he was -- it's hard to say
5 where he was, he was starting to move -- I don't
6 remember where he was.

7 Q. If Mr. Hartmann is by his driver's side
8 door and you pulled up to the left of his vehicle
9 behind him, isn't it true that Officer Knatz is
10 closer to Mr. Hartmann than you are?

11 A. He was a little closer, but we weren't
12 actually behind him, when I stopped our car -- his
13 car was here (indicating) in the middle of the
14 roadway, mine was behind him and to the right, but
15 not that far behind him.

16 Q. I am going to ask the same question,
17 isn't it true that as you stopped on Allen by the
18 SUV or behind the SUV, isn't it true that at that
19 point in time, Officer Knatz was closer to
20 Mr. Hartmann than you were, physically?

21 A. Yes.

22 Q. And he had time to get out?

23 A. Yes.

24 Q. When was the next time that you saw
25 Officer Knatz?

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SNELDERS

2

A. Like I said before, when I got out of
the car after I came to a stop on the lawn.

4

Q. Did you stay in the car for a period of
time?

6

A. No.

7

Q. Did you get out immediately?

8

A. Yes.

9

Q. Was your weapon drawn?

10

A. As I got out and went around the front
of the car, yes.

12

Q. You unholstered your weapon?

13

A. Yes.

14

Q. From the time you stopped the car, how
long did it take for you to put the car in park,
unbuckle your seat belt and get out of car and
unholster your weapon, how much time did that
take?

19

A. I don't know.

20

Q. Approximately?

21

A. I am not going to approximate.

22

Q. Was it more than a second?

23

A. I am not going to approximate.

24

Q. Was it more than two seconds?

25

MS. O'NEILL: Counselor --

1

SNELDERS

2

MR. HANSEN: I am entitled to probe.

3

MS. O'NEILL: He has already answered
the same answer every time you probed.

5

Q. Was it more than three seconds?

6

A. I am not going to approximate how long
it took.

8

Q. Is it you won't approximate or you can't
approximate?

10

A. I won't approximate, I am not going to
answer the question that I don't know the answer
to.

13

Q. When you got out of the car after you
came to a stop, where was the car stopped after
you hit Mr. Hartmann?

16

A. It was on the lawn facing westbound.

17

Q. And when you first got out of the car,
where did you go?

19

A. Around the front -- to the front of the
car.

21

Q. The front of your car?

22

A. Yes.

23

Q. At what point in time did you unholster
your weapon?

25

A. As I was going towards the front of my

1 SNELDERS

2 car.

3 Q. Was your car still running or did you
4 turn it off?

5 A. I turned it off.

6 Q. At some point in time did you get back
7 to the area where Mr. Hartmann was?

8 A. Yes.

9 Q. Where was he?

10 A. Lying on the sidewalk, I think his body
11 was actually on the grass portion and his leg was
12 on the sidewalk.

13 Q. Where was Officer Knatz?

14 A. Standing in close proximity to him.

15 Q. Where was he in relation to the curb,
16 your car and the SUV?

17 A. Who?

18 Q. Officer Knatz?

19 A. I don't recall exactly where he was.

20 Q. Was he between you and Mr. Hartmann, was
21 he on the far side of Mr. Hartmann as you
22 approached from your vehicle or someplace else?

23 A. I remember seeing him coming from -- he
24 might have been coming from the left, he was
25 approaching from the SUV towards Mr. Hartmann.

1 SNELDERS

2 A. No.

3 Q. Did Lieutenant Mulrain ask you any
4 questions?

5 A. Not that I recall.

6 Q. Did you speak with anybody else at the
7 scene about what just had happened?

8 A. No.

9 Q. How long did you remain at the scene?

10 A. I don't know what time we left, it was
11 until after crime scene was done.

12 Q. Did you speak with any crime scene
13 officer?

14 A. Yes.

15 Q. Who did you speak with from crime scene?

16 A. I don't know his name.

17 Q. Do you know what rank the individual
18 was?

19 A. Detective.

20 Q. What did you say to the officer from
21 crime scene?

22 A. I don't recall what I said to him, we
23 went over the areas of what happened and that's
24 how we came up with the diagram.

25 Q. What time did crime scene arrive?

1

SNELDERS

2 A. I don't recall.

3 Q. Did crime scene take measurements?

4 A. Yes, they did.

5 Q. At the time crime scene took
6 measurements, had any of the vehicles been moved,
7 at all?

8 A. No.

9 Q. Did you see the officer from crime scene
10 take any photographs?

11 A. Yes.

12 Q. Can you describe to me what was done by
13 the officer from crime scene?

14 A. He took measurements and photographs.

15 Q. Did the officer from crime scene tell
16 you he was Lieutenant or Detective Giovinneitone,
17 G-I-O-V-I-N-N-E-I-T-O-N-E, would that refresh your
18 recollection?

19 A. No.

20 Q. Did the officer from crime scene speak
21 with Officer Knatz or was it just limited to you?

22 A. No, both of us.

23 Q. Did he speak with you together?

24 A. At times we were together.

25 Q. Were you together with Officer Knatz the

1 SNELDERS

2 entire time after the incident?

3 A. NO.

4 Q. Were you there the entire time that the
5 crime scene detective was present?

6 A. Yes.

7 Q. And what questions did the crime scene
8 officer ask you, the detective?

9 A. What did he ask me?

10 Q. Yes, what did he ask you?

11 A. Basically where was my car when we first
12 started to where it ended, where was the person
13 when I struck him, these were all approximations.

14 Q. And this is while you were at the scene;
15 right?

16 A. Yes.

17 Q. Were markers placed at the scene or
18 cones?

19 A. I believe number markers were placed.

20 MR. HANSEN: Can you please mark these
21 as documents as Plaintiff's Exhibits for
22 identification.

23 (Whereupon, the aforementioned
24 incident/vehicle accident diagram was marked
25 as Plaintiff's Exhibit 1 for identification as

1 SNELDERS

2 of this date by the Reporter.)

3 (Whereupon, the aforementioned scene
4 examination report was marked as Plaintiff's
5 Exhibit 2 for identification as of this date
6 by the Reporter.)

7 (Whereupon, the aforementioned crime
8 scene search section was marked as Plaintiff's
9 Exhibit 3 for identification as of this date
10 by the Reporter.)

11 (Whereupon, the aforementioned
12 photographs were marked as Plaintiff's
13 Exhibits 4 thru 23 for identification as of
14 this date by the Reporter.)

15 Q. I am showing you what has been marked as
16 Plaintiff's Exhibit 1 for identification of
17 today's date, can you just tell me what that is?

18 A. It's a diagram prepared by a crime scene
19 detective.

20 Q. Were you present when it was prepared?

21 A. No.

22 Q. Do you know who prepared that?

23 A. I can't read his last name, Detective
24 something.

25 Q. Is that a document that is prepared in
DIAMOND REPORTING-718-624-7200-16 Court St., B'klyn, NY 11241

1 SNELDERS

2 the regular ordinary course of business by the
3 police department?

4 A. Yes.

5 Q. And is it the business of the police
6 department, obviously, to prepare these types of
7 documents including this one?

8 A. Yes.

9 Q. Now, I am going to show you two other
10 documents that have been marked as Plaintiff's
11 Exhibit 2 and Plaintiff's Exhibit 3 for
12 identification as of today's date, do you
13 recognize these two documents?

14 A. Yes.

15 Q. What do you recognize the documents to
16 be?

17 A. It's the measurements that they took.

18 MS. O'NEILL: Which one are you talking
19 about?

20 THE WITNESS: They are both the same,
21 just a continuation.

22 Q. Exhibit 3 is a continuation of Exhibit
23 2?

24 A. Yes, see where it stops with ten and
25 starts with eleven.

1 SNELDERS

2 police officer; correct?

3 A. That's correct.

4 Q. There is a designation of "First
5 District," that would be Court; correct?

6 A. Yes.

7 Q. Then it says, "The people of the State
8 of New York against Thomas Hartmann"?

9 A. Yes.

10 Q. Mr. Hartmann would be the Defendant?

11 A. Yes.

12 Q. And 95 Central Boulevard, that's LKA,
13 the last known address?

14 A. That's correct.

15 Q. And there is a description in all
16 capital letters that identifies you, POLICE
17 OFFICER SNELDERS SHIELD NUMBER 3022, is that you?

18 A. That's me.

19 Q. And it says, "that you being a member of
20 the Nassau County Police Department depose and
21 says"?

22 A. Yes.

23 Q. So you swear; right?

24 A. Yes.

25 Q. On or about the 12th of March 2004,

1 SNELDERS

2 that's the date of the accident; correct?

3 A. Yes.

4 Q. At about 4:57 p.m.?

5 A. Yes.

6 Q. You are alleging that Mr. Hartmann
7 violated penal law 120.4151; correct?

8 A. Yes.

9 Q. And that is menacing in the third
10 degree; correct?

11 A. Yes.

12 Q. And there is a section that says, "to
13 whit"; correct?

14 A. Yes.

15 Q. Is that your description of the
16 violation you are alleging?

17 A. I didn't type this, but that is the
18 description I put down, yes.

19 Q. And that is something you accepted and
20 swore to; correct?

21 A. Yes.

22 Q. And did you make any changes to this?

23 A. No, I didn't.

24 Q. Did you make any corrections?

25 A. No.

1 SNELDERS

2 Q. Would you say something is wrong here?

3 A. No.

4 Q. If there was something incorrect, you
5 would have an opportunity to correct it and change
6 it?

7 A. That's correct.

8 Q. I want you to read the section that
9 says, "Defendant yelled at officer, you better
10 shoot me before I shoot you," do you see that?

11 A. Yes.

12 Q. Is that your description of what
13 happened that evening?

14 A. That's part of it.

15 Q. It says next, "your deponent," which
16 would be you?

17 A. Yes.

18 Q. And it say, "RMP 921," that's your
19 vehicle?

20 A. Yes.

21 Q. "To terminate the Defendant I approached
22 him by hitting him with the car"; correct?

23 A. That's correct.

24 Q. Was Mr. Hartmann approaching you at the
25 time you hit him with the car?

1

SNELDERS

2

A. The way this was spelled out, it was
spelled out to include everything that happened at
Allen, it doesn't spell out every single word.

5

Q. This is the factual basis for your
allegations?

7

A. That's correct, it doesn't have to be
word for word.

9

Q. But it should be accurate?

10

A. It is accurate when he came up to my
window he did say those two things.

12

Q. Is there anything about this document
that you would change?

14

A. No, not really, not for what he is being
charge with, no.

16

Q. There is nothing about this that you
would change, at all?

18

A. No.

19

MR. HANSEN: Mark this as Plaintiff's
Exhibit 27 for identification.

21

(Whereupon, the aforementioned arrest
report was marked as Plaintiff's Exhibit 27
for identification as of this date by the
Reporter.)

25

Q. I am showing you what has been marked as

1 SNELDERS

2 Plaintiff's Exhibit 27 for identification of
3 today's date, do you know what that document is?

4 A. Yes.

5 Q. You do?

6 A. Yes.

7 Q. What is it?

8 A. His arrest report.

9 Q. Prepared by who?

10 A. Not me.

11 MS. O'NEILL: Do you know who it was
12 prepared by?

13 THE WITNESS: No -- it was printed out
14 by Detective Archer that it tells you on the
15 top.

16 Q. Does it have a description of
17 Mr. Hartmann's clothing?

18 A. Yes, black shoes, black slacks, black
19 long sleeve shirt, that's a mistake. What
20 happened is our computer system, when somebody has
21 been arrested prior, if you don't look through it
22 and change it, it will print up when he was
23 arrested the last time what he was wearing. That
24 wasn't what he was wearing.

25 Q. That arrest report is incorrect?

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SNELDERS

2

C E R T I F I C A T E

3

4 STATE OF NEW YORK)
5 COUNTY OF KINGS) : SS.:
6

7 I, JAMIE NEWMAN, a Notary Public for and
8 within the State of New York, do hereby certify:

9 That the witness whose examination is
10 hereinbefore set forth was duly sworn and that
11 such examination is a true record of the testimony
12 given by that witness.

13 I further certify that I am not related
14 to any of the parties to this action by blood or
15 by marriage and that I am in no way interested in
16 the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand this 1st day of June, 2005.

19

20


JAMIE NEWMAN

21

22

23

24

25

VERBAL SHEET

Page Line	Original Text	Corrections
<u>33</u> <u>15</u>	<u>keeper</u>	<u>CAPER</u>
<u>37</u> <u>9</u>	<u>Sauer</u>	<u>Sig Sauer</u>
<u>86</u> <u>2</u>	<u>Squad</u>	<u>SWAT</u>
<u>92</u> <u>2</u>	<u>7:30</u>	<u>3:30</u>
<u>94</u> <u>24</u>	<u>4th & 7th</u>	<u>1st & 7th</u>
<u>132</u> <u>20</u>	<u>was</u>	<u>wasn't</u>
<u>137</u> <u>10</u>	<u>if</u>	<u>moving</u>
<u>154</u> <u>18</u>	<u>GRACE</u>	<u>GRASS</u>
<u>175</u> <u>12</u>	<u>No</u>	<u>I don't Know</u>
<u>181</u> <u>3</u>	<u>No</u>	<u>Yes</u>
<u>245</u> <u>11</u>	<u>Motor</u>	<u>Mobile</u>
<u>245</u> <u>17</u>	<u>Motor</u>	<u>Mobile</u>
<u>248</u> <u>16</u>	<u>Tank</u>	<u>Take</u>

Karl A. Shelders
(Witness Name)

Karl A. Shelders
(Witness Signature)

Subscribed and sworn to before me
this 27th day of September 2005.

Billy Bresnader
NOTARY PUBLIC

BETHANY L. BRESNAIDER
Notary Public, State of New York
No. 028RS074557
Qualified in Nassau County
Commission Expires March 17, 2007

1

SNELDERS

2

A. I have no knowledge if they have a file.

3

MS. O'NEILL: Off the record.

4

(Whereupon, an off-the-record discussion
5 was held.)

6

Q. Now, the crime scene, do they maintain a
7 file?

8

A. I don't know.

9

MR. HANSEN: I have nothing further.

10

(Whereupon, at 5:13 p.m., the

11

Examination of this Witness was concluded.)

12

13



KARL SNELDERS

14

15 Subscribed and sworn to before me

16 this 21st day of September, 2005.

17



NOTARY PUBLIC

18

19

SCHEINY L. BRESNAIDER

Notary Public, State of New York

No. 02BR5074557

Qualified in Nassau County

Commission Expires March 17, 1999

2001

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